

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

01-CR-6001L
01-CR-6002L
01-CR-6078L

v.

ANTHONY F. LEONARDO, JR.,

Defendant.

By motion filed June 17, 2009 (Dkt. #138 [01-CR-6001L]), defendant requests an indefinite adjournment of the re-sentencing, which is now scheduled for June 26, 2009 at 2:30 p.m. The motion is denied.

This matter has been pending for about eighteen months since the Second Circuit remanded the case on January 14, 2008. Five months ago, on January 14, 2009, the Court scheduled sentencing for May 8, 2009. A week before that date, defendant requested an adjournment and, on April 29, 2009, I granted defendant a two-month adjournment to June 26, 2009, and established a schedule for filing sentencing submissions.

Defendant timely filed his sentencing submission on June 12, 2009, requesting a different sentence than that which the Court previously imposed due to defendant's changed medical circumstances.

In defendant's present motion, he raises some concerns and issues concerning the sentence he received in state court which was imposed contemporaneously with this Court's original sentence. Those matters are not before this Court.

Sentencing will proceed in Federal Court as scheduled, and the parties should prepare accordingly.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 18, 2009.